



## **APPEALS HEARING BOARD AGENDA**

**THURSDAY, MARCH 27, 2008**

Evening Session 6:30 p.m.  
Council Chambers, City Hall

200 E. Santa Clara Street  
San Jose, California

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**Clark Williams, Chair**  
**Karen Parsons, Vice Chair**  
**Calvin Chu     Sonja Etienne**  
**Jose Hernandez     Troy Overton**  
**Susan Ruscigno**

**Joseph Horwedel, Director**  
Planning, Building and Code Enforcement

**The Appeals Hearing Board Packet is available for viewing between the hours of 8 a.m. to 5 p.m., Monday through Friday, at the Code Enforcement Office, 170 W. San Carlos Street, San Jose, CA 95113. The Appeals Hearing Board Packet is available by contacting the AHB Secretary at (408) 277-4528.**

## **NOTICE TO THE PUBLIC**

Good evening, my name is Clark Williams and I am the Chair of the Appeals Hearing Board. On behalf of the entire Board, I would like to welcome you to the Appeals Hearing Board meeting of March 27, 2008.

When addressing the Board, you will first need to identify yourself and state your address for our records. Then you will be sworn in.

The procedure for this hearing is as follows:

- The Board Secretary will take roll, after the Chair has read the opening remarks. The board will then conduct a vote on the approval of minutes from the meeting of March 13, 2008.
- City staff will present testimony on the City's case for each item.
- After City staff's testimony the property owner or his/her representative will give testimony. Then the Board will hear testimony from other interested parties. All items submitted to the Board will be retained as evidence. We urge witnesses to testify only on those issues raised by the administrative action.
- Board members frequently ask questions. Please try to answer the questions directly.
- After the testimony the public hearing will be closed and the Appeals Hearing Board will take action on the item.
- Copies of the agenda have been placed on the table near the door for your convenience. A complete packet of the documents pertaining to the items on tonight's agenda is available to review on the desk by the Commission Secretary.
- Please turn off cell phones and pagers.

Board Mission Statement: To have a fair and objective hearing to determine violations, encourage compliance, and to hear all appeals delegated by City Council for City Administrative Action by considering all evidence presented and making an appropriate ruling based on Code for the purpose of maintaining and improving the quality of life in San Jose.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call (Sandy Bouja at 408-277-8428) or 408-294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.

**AGENDA**  
**ORDER OF BUSINESS**  
**6:30 PM SESSION**

1. **ROLL CALL**
2. **OPENING REMARKS AND APPROVAL OF MINUTES**  
Recommendation: Approval of minutes for March 13, 2008.
3. **REQUEST FOR EXCUSED ABSENCE**
4. **PUBLIC HEARINGS CONSENT CALENDAR**

**Notice to the public:** There will be no separate discussion of Consent Calendar hearing items as they are considered to be routine and are adopted in one motion. If any member of the Appeals Hearing Board, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearing Consent Calendar and considered separately.

- a. **2148 LEON DRIVE (282-30-029) SUMMARY ABATEMENT**  
(Garry McLeod, Inspector / Tamio Yanagawa, Property Owner)  
The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement action to secure the doorways and windows with plywood and remove vegetation and debris from the yard.
- b. **133 OAK STREET (264-36-049) SUMMARY ABATEMENT**  
(Garry McLeod, Inspector / Jose V. Luna, Property Owner)  
The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement action to vacate and condemn the garage.

**5. DEFERRED AND/OR CONTINUED ITEMS**

- a. 1137 VIA JOSE (577-23-013) PROPOSED ABATEMENT**  
(Greg Peacock, Inspector / Edwin Hill, Property Owner)  
The Director of Planning, Building and Code Enforcement requests a hearing to obtain an order requiring the property owner to abate the large quantity of dirt, a steel I-beam, and an inoperable vehicle from the property and also obtain a proposed abatement order to allow the City to abate the public nuisance if necessary. (Deferred from February 28, 2008; Agenda Item 5a).
- b. 223 EDWARDS AVENUE (264-38-062) ADMINISTRATIVE REMEDY**  
(Garry McLeod, Inspector / Roberto & Mayra M. Guerra, Property Owners)  
The Director of Planning, Building and Code Enforcement requests a hearing to obtain an order to direct the property owner to cease all occupation of the basement and accessory structures (both attached and detached) and to obtain the required permits to correct all Code violations. (Deferred from February 28, 2008; Agenda Item; 5d).

**6. PUBLIC HEARINGS**

- a. 1040 ELLIS AVENUE (429-26-005) ADMINISTRATIVE REMEDY**  
(Luis Arevalo, Inspector / Timothy Zeigler, Trustee of Helen Castor Trust)  
The Director of Planning, Building and Code Enforcement requests a hearing to obtain an order to direct the property owner to obtain the necessary permits to legalize the unauthorized building alterations on the property.
- c. 4917 RIO VERDE COURT (569-36-006) PROPOSED ABATEMENT**  
(Garry McLeod, Inspector / Helen Y. & Osamu Kawauchi, Property Owners)  
The Director of Planning, Building and Code Enforcement requests a hearing to obtain an order requiring the property owner to abate the overgrown vegetation in the front yard and loose debris on the property.

**7. OTHER BUSINESS**

**8. ORAL COMMUNICATIONS FROM THE PUBLIC**

**9. ADJOURNMENT**

Next Board Meeting: April 10, 2008